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Our ref: 18/01057/CPRIOR

c/o Mr S Gadsby

12 July 2018

Sent Via Email: anthony.atkinson@acorus.co.uk

Dear Sirs

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER
2015 Schedule 2, Part 3, Class R**

Proposal:	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to storage/distribution (Class B8)
Site Address:	Girton Farm, New Lane, Girton, Newark On Trent, Nottinghamshire, NG23 7HY
Applicant:	Mr S Gadsby
Application Ref:	18/01057/CPRIOR

I refer to the above application, received on 4th June 2018, which seeks the determination of the Authority as to whether its prior approval is required as to change the use of an agricultural building to storage/distribution (Class B8). In line with THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 Schedule 2, Part 3, Class R the Local Planning Authority has considered the impact of the development upon:

1. Transport and highways impacts of the development;
2. Noise impacts of the development;
3. Contamination risks on the site; and
4. Flooding risks on the site.

I have considered the written representations received from the Council's Contaminated Land Officer and Environmental Health Officer, Environment Agency and the Highways Authority under the terms of the provisions set out under Part 3 Class R and Paragraph W 'Procedure for applications for prior approval' of the Town and Country Planning (General Permitted Development) Order 2015.

The application has now been assessed and in the opinion of the Local Planning Authority, the proposal is permitted development and full planning permission is NOT REQUIRED, subject to the following conditions,

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The use of the buildings as Class B8 (storage/distribution) must be completed within a period of 3 years from the date of this decision. You must notify us of the date on which the proposed change of use is completed.

Reason: In order to comply with the conditions outlined by R.3 of The Town and Country Planning (General Permitted Development) Order 2015.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:

Location and Block Plans - 200-01

Reason: So as to define this permission.

03

The use hereby permitted shall not take place outside the following:-

8:30 to 17:30 Monday - Friday

9:00 am to 13:00 pm Saturdays

And not at all on Sundays, Public or Bank Holidays

Reason: In the interests of residential amenity.

04

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation

and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes to Applicant

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The applicants attention is drawn to points R.3 (3) and (4) of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 Schedule 2, Part 3, Class R, which addresses the process for any associated operational development to the building that would require full planning permission and outlines what constitutes as “any associated development” (see extract below).

“(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.”

Please see: <http://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/3/crossheading/class-r-agricultural-buildings-to-a-flexible-commercial-use/made>

If you require any further information regarding the above notification, please telephone our Customer Services Team on 01636 650 000 quoting the above application reference.

Yours faithfully



Matt Lamb MRTPI
Business Manager – Development
Newark and Sherwood District Council